
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to establish a
2 lottery system for the leasing of cabins on public lands for
3 recreation-residence use.

4 SECTION 2. Section 171-1, Hawaii Revised Statutes, is
5 amended by adding a new definition to be appropriately inserted
6 and to read as follows:

7 "Good standing" means the status of a lessee who is in
8 full compliance with the lessee's obligations under the lease."

9 SECTION 3. Section 171-7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§171-7 General duties of the board.** Except as provided
12 by law, the board of land and natural resources through the
13 chairperson shall:

- 14 (1) Maintain an accurate inventory of public lands;
15 (2) Prevent illegal activities on, unlawful occupation of,
16 or trespassing on public lands;



- 1 (3) Cause all trespassers and persons unlawfully occupying
2 public lands, and their effects, and all animals
3 trespassing on the lands to be removed therefrom and
4 to impound the animals according to law;
- 5 (4) Enter on any public land in order to take possession
6 thereof, and to resume possession of any public land
7 in case of surrender, forfeiture, or escheat;
- 8 (5) Enforce contracts respecting sales, leases, licenses,
9 permits, or other disposition of public lands;
- 10 (6) Conduct all public auctions, lotteries, and sales
11 pertaining to the disposition of public lands and
12 other property authorized by the board;
- 13 (7) Recover money due the State for damage done to any
14 public lands by wrongful entry and occupation or by
15 wrongful removal therefrom or destruction of any
16 property;
- 17 (8) Bring such actions and proceedings as may be necessary
18 to carry out the powers and duties of the board in the
19 name of the State and to defend such actions brought
20 against the State as may be authorized;



(9) Keep a record of all official transactions, relating to public lands within the chairperson's jurisdiction and such record shall be a public record; and

(10) Administer oaths in all matters pertaining to the administration of the public lands."

SECTION 4. Section 171-44, Hawaii Revised Statutes, is amended to read as follows:

"§171-44 Lease for recreation-residence use. [†] (a) [†]

Notwithstanding any limitations to the contrary, the board of land and natural resources may lease, by direct negotiation or by public lottery and without recourse to public auction, lands within a state park or forest reserve and other lands set aside under executive orders, for recreation-residence use for a period not to exceed twenty years on such terms and conditions as may be prescribed by the board~~[-]~~; provided that:

(1) A lessee determined to be in good standing by the board at the expiration of the lessee's lease may directly negotiate with the board to extend the lease for an additional term not to exceed twenty years;



1 (2) Any extensions of a lease shall be based on the fair
2 market value of the leased land, excluding any on site
3 improvements; and

4 (3) A lessee shall notify the board in writing no less
5 than sixty days prior to the termination of the lease
6 if the lessee intends to extend the lease.

7 [+] (b) [+] The [+]board[+] of land and natural resources
8 shall enforce all provisions of recreation-residential use lease
9 agreements and shall establish a schedule of penalties and fines
10 for any breach of the provisions of a recreation-residential use
11 lease agreement unless penalties and fines are specified in the
12 lease agreement.

13 (c) Recreation-residence use leases offered by public
14 lottery shall:

15 (1) Be offered at fair market value, to be determined by
16 appraisal pursuant to section 171-17; and

17 (2) Be limited to one person per recreation-residence;
18 provided that if two or more lessees intend to jointly
19 reside in the same recreation-residence, only one
20 lessee may enter the public lottery.



1 (d) The board may limit participation in the public
2 lottery of recreation-residence use leases to residents of the
3 same county in which the land to be leased is located; provided
4 that limiting participation in the public lottery to residents
5 of the county will be for the benefit of the residents of the
6 county; ensure premises leased will be properly maintained by
7 the lessee; and preserve the environmental, cultural, and scenic
8 values of the leased premises. If the number of county
9 residents participating in the public lottery is fewer than the
10 number of leases available, the board shall open the public
11 lottery to all residents of the State, followed by nonresidents.

12 (e) Any transfer or assignment of a recreation-residence
13 use lease shall be subject to a fee of \$1,200, to be paid to the
14 board. The board shall annually increase or decrease the fee to
15 reflect changes to the implicit price deflator for the gross
16 domestic product as published by the Bureau of Economic
17 Analysis, applied on a five-year rolling average."

18 SECTION 5. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



- 1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Public Lands; Recreation-residence Use Leases; Public Lottery

Description:

Authorizes the Board of Land and Natural Resources to lease public lands for recreational-residential use by public lottery and restrict participation in the public lottery to residents of the county in which the leased land is located. Effective 7/1/3000. (HD1)

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